

FEBRUARY 10, 1809.

Read the first and second time, and committed to a committee of the whole House, on Monday next.

A Bill

For the disposal of certain tracts of land in the Mississippi territory, claimed under Spanish grants, reported by the land commissioners as antedated, and for other purposes.



1 *Sec. 1. Be it enacted by the senate and house of representatives of*
2 *the United States of America, in congress assembled, That the*
3 several tracts of land, in the Mississippi territory, the claims
4 to which have been disallowed by the boards of commissioners
5 east and west of Pearl river, on suspicion of the grants, warrants
6 or orders of survey, on which the claims are grounded, being
7 antedated or otherwise fraudulent, and which are embraced in
8 the report of the said boards of commissioners, laid before
9 congress, shall be, and the same are hereby directed to be
10 sold, in the same manner, at the same price, and on the
11 same terms and conditions, as have been, or may be by law

12 provided for the sale of the other public lands in the said territory ;
13 and any person or persons claiming under a Spanish grant, war-
14 rant or order of survey as aforesaid, shall be intitled to institute,
15 in the highest court of law or equity in the said territory, his or
16 their suit or action for the recovery of the tract or tracts so
17 claimed as aforesaid : *Provided*, such claimant or claimants shall
18 institute his or their suit or action within the term of one year
19 from and after the tract or tracts so claimed shall have been sold
20 by the United States, or in case the same is now inhabited and
21 cultivated, in virtue of a pre-emption right, within one year from
22 and after the passing of this act ; and if any person or persons,
23 claiming lands as aforesaid, shall fail or neglect to commence or
24 institute his or their suit or action, in the manner and within the
25 time prescribed by this section, his or their right to commence
26 such suit or action, in any court whatsoever, shall be forever
27 barred and foreclosed.

1 *Sec. 2. And be it further enacted*, That if the person or persons
2 claiming under such grant, warrant or order of survey, shall make
3 it appear to the satisfaction of the court, before whom such suit
4 or action shall be pending, that the tract of land therein specified,
5 was actually surveyed prior to the twenty-seventh day of October,
6 one thousand seven hundred and ninety-five, then, and in that
7 case, the same shall be deemed and held to be good and valid, to
8 all intents and purposes, any thing in this act to the contrary not-
9 withstanding : But in case the claimant or claimants shall fail to

10 prove the tract or tracts of land so claimed, to have been actually
 11 surveyed prior to the twenty-seventh day of October, one thou-
 12 sand seven hundred and ninety-five, or in case the same shall ap-
 13 pear to be otherwise fraudulent or illegal, the grant, warrant or
 14 order of survey, granted by the Spanish government, as afore-
 15 said, by virtue of which such tract or tracts of land may be
 16 claimed, shall be, and the same is hereby declared null and void,
 17 to all intents and purposes, and shall not be read in evidence
 18 against any claim or certificate of pre-emption, derived from the
 19 United States.

1 Sec. 3. *And be it further enacted*, That it shall be lawful, in the
 2 trial of such suit or action, for either party to introduce parole
 3 evidence for the purpose of supporting or invalidating the grant,
 4 warrant or order of survey as aforesaid; and the judgment, sentence
 5 or decree of the said highest court of law or equity, in the cases
 6 aforesaid, shall be final and conclusive between the parties, and
 7 may be plead in bar to any subsequent suit or action brought in
 8 the same or any other court, for the recovery of the same land or
 9 any part thereof.

1 Sec. 4. *And be it further enacted*, That Abram Ellis be and he is
 2 hereby confirmed in a tract of land granted by the British govern-
 3 ment of West Florida to Stephen Jordan, containing the quantity
 4 of two hundred acres, lying and being on the waters of Boyd's
 5 creek, according to the metes and bounds of said tract of land set
 6 forth in the plat thereof made by the surveyor general of said pro-

7 vince of West Florida; and that the amount of money which the
8 said Ellis may have been compelled to pay to the receiver of public
9 monies west of Pearl river, in the Mississippi territory, for said tract
10 of land, be refunded to him by the receiver aforesaid.

1 Sec. 5. *And be it further enacted*, That Daniel Harregul be and
2 he is hereby confirmed in his title in fee simple to the tract of land
3 whereon he resides, containing the quantity of five hundred and
4 fifty acres, agreeably to a plat thereof filed with the register of the
5 land office, west of Pearl river, in the Mississippi territory.